

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Joseph R Nelson**

Case No.: **17-18315**

Judge: **SLM**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original  
☐ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

Date: Oct 23, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney Wdn Initial Debtor: JRN Initial Co-Debtor \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay 146.00 Monthly to the Chapter 13 Trustee, starting on \_\_\_\_ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

<input checked="" type="checkbox"/> <input type="checkbox"/>	Future Earnings Other sources of funding (describe source, amount and date when funds are available):
<p>c. Use of real property to satisfy plan obligations:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Sale of real property            Description:            Proposed date for completion: _____         </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> Refinance of real property:            Description:            Proposed date for completion: _____         </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property:            Description: <b>232 Orange Ave Irvington, NJ</b>            Proposed date for completion: <b>12/31/2017 or as Ordered</b> </div> <p>d. <input type="checkbox"/> The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.</p> <p>e. <input type="checkbox"/> Other information that may be important relating to the payment and length of plan:</p>	

<b>Part 2: Adequate Protection</b>		<input type="checkbox"/> <b>NONE</b>	
a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor). b. Adequate protection payments will be made in the amount of \$ <b>1,664.00 monthly</b> to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: <b>WELLS FARGO HOME MORTGAGE</b> (creditor).			
<b>Part 3: Priority Claims (Including Administrative Expenses)</b>			
a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:			
Creditor	Type of Priority	Amount to be Paid	
<b>Walter D. Nealy</b>	<b>Attorney Fees</b>	<b>2,000.00</b>	
b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one: <input checked="" type="checkbox"/> None <input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):			
Creditor	Type of Priority	Claim Amount	Amount to be Paid

#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
WELLS FARGO HOME MORTGAGE	323 Orange Ave Irvington, NJ 07111 Essex County rental property	51,708.79	0.00		1,664.00

##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the

allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor

Everhome Mortgage Co

**g. Secured Claims to be Paid in Full Through the Plan ☐ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
Pro Cap II, LLC by Custodian , US Bank	Tax Lein	398.00

**Part 5: Unsecured Claims ☒ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions ☒ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.  
Date of Plan being modified:.

Explain below <b>why</b> the plan is being modified:	Explain below <b>how</b> the plan is being modified:
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>October 23, 2017</u>	<u>/s/ Walter D. Nealy</u> Walter D. Nealy Attorney for the Debtor
Date:	<u>October 23, 2017</u>	<u>/s/ Joseph R Nelson</u> Joseph R Nelson Debtor
Date:	<u></u>	<u></u> Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date	<u>October 23, 2017</u>	<u>/s/ Walter D. Nealy</u> Walter D. Nealy Attorney for the Debtor
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I certify under penalty of perjury that the above is true.

Date:	<u>October 23, 2017</u>	<u>/s/ Joseph R Nelson</u> Joseph R Nelson Debtor
Date:	<u></u>	<u></u> Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Joseph R Nelson  
 Debtor

Case No. 17-18315-SLM  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 43

Date Rcvd: Oct 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 26, 2017.

db +Joseph R Nelson, 710 Chesnut Steet, Roselle, NJ 07203-1948  
 cr +U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CRE, Phelan Hallinan & Schmieg, PC,  
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
 516785255 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)  
 516785256 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,  
 Richmond, VA 23238)  
 516785257 +Comenity Bank/mandee, 995 W 122nd Ave, Westminster, CO 80234-3417  
 516785258 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218  
 516785259 Essex County Sheriff's Office, 50 West Nelson Street, Newark, NJ 07102  
 516785260 +Everhome Mortgage Co, 301 W Bay St, Jacksonville, FL 32202-5103  
 516956823 +HSBC Bank, USA, National Association, c/o TIAA, FSB d/b/a EverBank, 301 West Bay Street,  
 Jacksonville, FL 32202-5184  
 516785261 +Mandees, 401 Hackensack Ave, Hackensack, NJ 07601-6411  
 516785262 +Odpc/cbna, Po Box 6497, Sioux Falls, SD 57117-6497  
 516785263 +Opteum Fncl Svcs Llc, 425 Phillips Blvd, Ewing, NJ 08618-1430  
 516785264 +PELLEGRINO AND FELDSTEIN, LLC, 290 West Main Street, Suite 1, Denville, NJ 07834-1245  
 516785265 Petrolin Nelson, 710 Chestnut Street, Roselle, NJ 07203-1948  
 516785266 +Phelan Hallinan Diamond & Jones, PC, 400 Fellowship Road, suite 100,  
 Mount Laurel, NJ 08054-3437  
 516785267 +Pro Cap II, LLC by Custodian, US Bank, c/o Pellegrino &Feldstein, 290 Rout 46 West,  
 Denville, NJ 07834-1239  
 516785268 +Rshk/cbna, Po Box 6497, Sioux Falls, SD 57117-6497  
 516785269 +Sears/cbna, Po Box 6283, Sioux Falls, SD 57117-6283  
 516785270 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 516785284 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Motor Credit, 4 Gatehall Dr Ste 350,  
 Parsippany, NJ 07054)  
 516785282 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673  
 516785283 +Tnb - Target, Po Box 673, Minneapolis, MN 55440-0673  
 516831713 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,  
 Addison, Texas 75001-9013  
 516864113 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE et.al., Wells Fargo Bank, N.A.,  
 Default Document Processing, MAC N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700  
 516785286 +United Consumer Finl S, 865 Bassette Rd, Westlake, OH 44145-1194  
 516785288 +WELLS FARGO HOME MORTGAGE, P O BOX 10335, Des Moines, IA 50306-0335  
 516785287 +Webbank/dfs, Po Box 81607, Austin, TX 78708-1607

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 24 2017 23:00:34 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 24 2017 23:00:30 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08  
 Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021  
 516823120 +E-mail/Text: bankruptcydpt@mcmcg.com Oct 24 2017 23:00:29 MIDLAND FUNDING LLC,  
 PO BOX 2011, WARREN, MI 48090-2011  
 516785271 +E-mail/Text: jennifer.chacon@spservicing.com Oct 24 2017 23:01:37 Select Portfolio Svcin,  
 Po Box 65250, Salt Lake City, UT 84165-0250  
 516785272 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/gap, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785273 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:03:41 Synch/gapdc, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785274 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/home Design Furn,  
 C/o P.O. Box 965036, Orlando, FL 32896-0001  
 516785275 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:03:41 Synch/home Design Plus,  
 950 Forrer Blvd, Kettering, OH 45420-1469  
 516785276 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/lord & Tay, Po Box 965015,  
 Orlando, FL 32896-5015  
 516785277 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/low, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785278 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:03:41 Synch/lowes, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785279 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/old Navy, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785280 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:03:41 Synch/tjx Cos Dc, Po Box 965005,  
 Orlando, FL 32896-5005  
 516785281 E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:04:08 Synch/walmart, Po Box 965024,  
 El Paso, TX 79998  
 516788561 +E-mail/PDF: gecsedirecoverycorp.com Oct 24 2017 23:03:41 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 16

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 43

Date Rcvd: Oct 24, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516785285\* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit Co, 4 Gatehall Dr Ste 350,  
Parsippany, NJ 07054)

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 26, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 23, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor HSBC Bank USA, National Association as Trustee for Opteum Mortgage Acceptance Corporation, Asset-Backed Pass-Through Certificates, Series 2005-5 NJECFMAIL@mwc-law.com  
Andrew L. Spivack on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., CSFB MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-11 nj.bkecf@fedphe.com  
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Nicholas V. Rogers on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., CSFB MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-11 nj.bkecf@fedphe.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
Walter D. Nealy on behalf of Debtor Joseph R Nelson nealylaw@gmail.com, r43366@notify.bestcase.com

TOTAL: 7